

DOCUMENT RESUME

ED 302 786

CG 021 377

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TITLE Non-Custodial Parent's Report of Child Support Payments.
SPONS AGENCY National Inst. of Child Health and Human Development (NIH), Bethesda, Md.
PUB DATE 14 Aug 88
GRANT 1R01HD/MR1938301A1
NOTE 21p.; Paper presented at the Annual Meeting of the American Psychological Association (96th, Atlanta, GA, August 12-16, 1988).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Child Custody; *Divorce; *Financial Support; Parent Child Relationship; *Parent Role; *Self Evaluation (Individuals)
IDENTIFIERS *Child Support; *Noncustodial Parents

ABSTRACT

Past research on child support payments has suggested that a large problem exists with post-divorce payments of child support. Much of this research, however, suffers from the methodological flaws of mixing together people who were divorced with people who were never married and of questioning only the custodial parents. This study surveyed a sample of 378 divorcing families and obtained matched data from both custodial and noncustodial parents. Respondents were interviewed immediately after their divorce and again one year later. In addition, decrees of divorce were examined and payment records were analyzed through the clerk of the court. The results revealed that only 80% of the decrees contained the provision that child support be paid through the clerk. Regardless of what the decree ordered, most parents paid directly to the custodial parent. This finding suggests that to rely on clerk records exclusively yields a highly misleading underestimate of child support payments. The payment record reported by custodial parents was very similar to Census data; divorced mothers reported receiving nearly 75% of what they were owed. According to noncustodial fathers, however, only 4% reported paying nothing, and fathers reported paying better than 90% of what was owed. (NB)

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Non-Custodial Parent's Report of Child Support Payments

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Presented at the Symposium "Adaptation of the Non-Custodial Parent: Patterns Over Time" at the 96th Annual Convention of the American Psychological Association at Atlanta, GA, August 14, 1988, 1:00 PM.

Support for this research was provided by a grant from the National Institute of Child Health and Human Development (1R01HD/MR1938301A1).

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It appears to be common knowledge that a large problem exists with post-divorce child support collections in the United States. Even non-professional well-informed observers appear to recognize that an alarming proportion of absent parents (almost always fathers) refuse to support their children after a divorce, though they are clearly able to do so. This causes a tremendous proportion of mothers and their children to end up on welfare rolls; non-payment of child support is a chief reason for poverty. The extent of the problem is so great that Newsweek once called it "our country's greatest form of lawlessness".

The major source for these beliefs was a series of prior studies on child support. A number of researchers (Weitzman, 1985; Quenstedt & Winkler, 1965; Chambers, 1979, Arthur Young & Co., 1975; Pearson & Thoennes, 1986) have gathered recent data on the extent of the problem, but they frequently used idiosyncratic and thus non-representative samples. For example, Wallerstein & Huntington (1983) used families in their counseling program. Regarded as far more definitive because of their huge and national samples were two data sets. One was the Panel Study of Income Dynamics, analyzed by Cassety (1978), Jones, Gordon and Sawhill, (1976), and Hill (1984, 1988) while the other, which

has garnered by far the most attention, was the set of special Census Studies entitled Child Support and Alimony. According to the latter studies, which each surveyed over 2,000 citizens, only about half of all women received all the child support they were awarded; another quarter received some but not all child support ordered, while fully a quarter received nothing at all.

The reader should recognize that these findings are enormously influential on a policy level. A number of federal programs, such as the Child Support Enforcement Act (1975; and particularly its Amendments, notably 1984) have recently been instituted to correct the problems identified by the above studies' data. These Acts have created federal and state enforcement agencies, together with federal-sized budgets. Two states, Wisconsin and Arizona, have now passed automatic wage garnishment laws, wherein once a divorce is final, garnishment of the non-custodial parent's wages for child support automatically begins. Considering that both states already had legal machinery to institute withholding once a non-custodial parent was 30 days in arrears (indeed all states do, in accord with federal mandate), the fact that this additional coercion appeared necessary was tribute to the severity of the problems the lawmakers discerned.

Cited by proponents of the law in both states as support were findings such as those cited above, especially the Census data. As one who testified in support put it, interpreting the figures, "the word on the street is that only fools pay child support". Moreover, new federal legislation, again relying on the Census figures, is right around the corner. The Moynihan Welfare Bill, passed by huge majorities in both branches of Congress, contains a provision mandating all states to pass automatic wage withholding of child support.

Two conspicuous defects in almost all the above data, which is the empirical underpinning of so much public policy, become obvious on closer inspection, however. The first is that in many of the analyses, and particularly the most-cited finding that only half receive complete payment, while fully a quarter receive no payment at all, the researchers mixed together people who were divorced with people who were never married. It should be clear that since different socio-economic groupings are involved, the payment records of the two categories should differ dramatically. Indeed, the more detailed analyses reveal this suspicion to be the case.

The second defect is even more important. This

is that virtually all the researchers queried only custodial parents. Expectable biases should lead this group to underreport received child support; indeed, an additional motivation exists for them to underreport, because a full report to the government (Census Bureau) officials could be perceived to jeopardize what AFDC they might be receiving. Clearly, no judge would decide a case after listening to only one of the two sides to a disagreement, but this is just what the Census Bureau researchers, and the policy makers did, when they believed the results without qualification. It is clear that the results were indeed believed without qualification, since nowhere, in any published reference to the figures, was the appropriate qualifying phrase "according to the custodial parent" included. Rather, the language used always implied that the figures were to be regarded as factual, unbiased, and definitive.

There were other findings, however, that appeared to corroborate the flawed data. For example, in the County in which we conducted our study, the County Clerk of the Court's computerized child support records indicated that only about 30% of what was owed was actually paid. On examination, however, these data, too, seemed suspect, because they reflected just payments the Court could record because they were paid

through the Clerk. While a judge told us that "virtually all (maybe 97%)" of Divorce Decrees contained a provision that payments were to be made through the Clerk, nonetheless it seemed to us certain that at least some payers would violate the Court Order, and pay the sum to the custodial parent directly, bypassing the Clerk. To the extent this was true, the Clerk's records, too, would underreport the true amount being paid. If the foregoing conjecture were correct, it would suggest that most of the figures regularly reported by the Office of Child Support Enforcement to Congress and the administration, figures which are typically based on Court data, were underestimates as well.

This is exactly the conclusion that Garfinkle (1985) reached in the other major study analyzing Court payment data. After earlier reporting that only about half of what was owed was paid, he later learned ("through discussions with some Clerk of the Court's staff") that "not infrequently" payments assumed to be made through the Court were instead made directly to the CP, implying that the earlier reported figure was underestimating to an unknown degree the true amount paid.

Thus, our study was designed to get a more

accurate picture by conducting a survey on a sample of divorcing families, and obtaining matched data from both custodial and non-custodial parents . In addition, we wished to obtain data concerning the predictors and consequences of non-payment.

METHOD

We selected, at random, families from among those filing for divorce in Maricopa County during 1986. Each family member was given an in-person two-hour interview. For their cooperation, they were paid \$20. Additionally, as in other well-funded surveys, considerable extra effort was expended to make contact with people whose whereabouts were difficult to find. As a result of the last two methodological features, our non-location and refusal rates are quite low, and comparable to Census studies and national surveys such as the Panel Study of Income Dynamics and the National Survey of Children. We have determined by several statistical analyses that our sample, consisting of 378 families, is highly representative of the population divorcing in the County, and not subject to self-selection biases. That is, we have determined that very few differences distinguish those we have interviewed from those we could not locate or those who refused the

interview on any of a host of variables, including demographic, educational and socio-economic ones, or on details of their marriage, such as length of marriage, number of children, or on details of the divorce decrees, such as visitation arrangement, child support order, or how long it took for the decree to become final.

We have interviewed each family member twice now, once immediately after their Petition was filed, the second time a year later. In addition to the survey data, we have analyzed their payment records through the Clerk of the Court, and examined their Decrees of Divorce as well.

RESULTS

Payment through the Court. Our first surprise was that only 80% of the decrees contained the provision that child support be paid through the Clerk; most of the remainder didn't specify to whom payment should be made. This figure was considerably less than what we expected -- and than the Court had believed. But the biggest surprise was that only a relative minority of parents actually paid most of their payments through the Clerk. Most paid directly to the custodial parent, regardless of what the Decree ordered. (Perhaps this was so because the Clerk's Office charged a processing

fee.) In response to the question "What percent of the child support payments you have (for custodial parent the phrase was instead "ex has") made were paid through the Clerk of the Court?" we found that in only 28% of the families did mother and father both say "100%". On the average, only 43% of the payments were made through the Clerk. It is clear, then, that to rely on Clerk records exclusively yields a highly misleading underestimate of the total amount or percent of dollars in child support paid subsequent to divorce.

Child Support Amounts. How much, then, is being paid in child support? The answer depends upon who you ask, the payer or the receiver. Table 1 presents the relevant figures from our second interview (on the average 9 months after the divorce is final.)

Two key points are made by the reported data. First, looking at the custodial parent's responses, we see the payment record is very similar to what the Census data reports, in terms of what percent pays all, but slightly better in terms of percent paying part (40% rather than 25%). The bottom figure, that divorced mothers report receiving nearly three quarters of what they are owed, is also revealing. It is considerably less alarming than any previous portrayal of the extent of the non-payment problem.

Second, as noted above, the picture changes markedly when the fathers are queried. According to them, only 4% pay nothing at all, and they report paying better than 90% of what is owed. According to what they tell us, then, child support non-payment is barely a problem at all. No one, including the present authors, would seriously suggest accepting this latter figure uncritically as truth; we feel, however, that present practice, that of accepting the mother's report as truth without qualification, has been equally erroneous. Until still more definitive data become available concerning which parent's report is closer to the truth,² it is probably safest to say that each party's statements are likely self-serving and biased: fathers are as likely to overstate payments as mothers are to understate them. Thus the figures presented above probably "bracket" the true amount paid, which is therefore someplace between 72% and 91% of what's owed.

Incidentally, the figures we report above come very close to those reported very recently in the only other representative sample survey matching mothers and fathers, the two-state study entitled the Survey of Absent Parents (Sonenstein & Calhoun, 1988). The latter was commissioned as a pilot study to a national survey by the Office of Child Support Enforcement.

Unfortunately, this sponsor subsequently decided to withdraw funding before the full-scale national study began.

Despite the large mean differences, there was some correspondence between mother's and father's report of their standing relative to other families. We found a .85 correlation between how much the mother and father say was paid in the last 12 months, and a .60 correlation between their respective reports of the percent of what was owed that was paid. Thus, we may predict the father's report of how much was paid very well from the mother's, but we have to add a very substantial constant, about 27%.

Predictors of Non-payment. The introductory paragraph of this paper contained two more widespread beliefs about child support, beliefs that have been aired in both professional, media, and policy discussions of the topic. The first is that what non-payment exists results from unwillingness and irresponsibility on the part of the noncustodial parent, that the parents "refuse to support their children, though they are clearly able to do so." The second is that non-payment of child support is a key cause of poverty. Our data shed light on both of these beliefs. With respect to the first belief about the

reasons for non-payment, we find a correlation of .45 (for custodial parent's report; .40 for non-custodial parent's report) between unemployment and non-payment. Whether or not the NCP has been unemployed at all in the previous year is the strongest predictor of payment we have yet identified. When we restrict attention to only families where the absent parent was not unemployed at all in the previous 12 months, the payment ratios climb to 80% and 100%, for CP's and NCP's report, respectively. Thus, willful irresponsibility seems less the motive for non-payment than was believed. Instead, incapacity to pay appears to have more power to explain non-compliance. Our findings here match those of Young (1975), Pearson and Thoennes (1986), Chambers (1979), Sonenstein and Calhoun (1988) and Wallerstein & Huntington (1983). The last-named authors, albeit with a questionable sample, explored reasons for the employment problems as well. They found that problems of psychological functioning were often responsible. Thus they found a "high incidence of disabling psychological dysfunction ... paranoid schizophrenia, manic depressive psychosis, or severe alcoholism ... among fathers who failed to support" (p. 143) Only one study (Weitzman, 1985) failed to find NCP's income or unemployment a very

strong predictor. The cumulative weight of the studies cited, plus the present data, suggest that coercive policies, such as automatic wage withholding can have only limited success. Ability to pay seems much more important as a predictor than willingness to pay.

Consequences of Non-payment. What of the belief that non-payment of child support causes welfare and poverty? Erroneous, too, according to our data. Overall, only fourteen percent of mothers in our sample have gone into government assistance programs, far less than the stereotypes would suggest. (According to Moore, Peterson and Zill, 1983, the proportion in poverty varies greatly with marital status; never-marrieds are far more frequently in poverty than divorced.) And, in those families where the father pays 100% of what he was ordered to pay (according to both mother and father) the figure drops only trivially, to 13%. Instead, mother's own capacity to earn has the most powerful impact on poverty, according to our analyses.

DISCUSSION

The topic of child support appears to be one area where empirical research does make a difference at a policy level. Policy-makers do seem attentive to the findings³, and are indeed designing costly and massive

programs in response to the figures. It is particularly important, then, that our findings be as valid as possible, and that their methodological shortcomings be recognized and acknowledged for our patrons. It is clear now, and should have been clear earlier, that asking the two parents the same question⁴ garners very different responses. Any research project which queries only one needs to contain strong qualifying statements so that readers become aware of possible and/or likely degree and magnitude of bias.

Finally, in combination, our findings seem to contradict the portrait in the introduction to this article. Any degree of child support non-compliance or poverty, especially when it affects our most innocent and helpless citizens, our children, creates a serious social problem not to be minimized. Nonetheless, our data suggests that the scope of the problem has been exaggerated and the causes poorly understood.

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FOOTNOTES

¹

Since 90% of our custodial parents are mothers, for convenience we sometimes use the terms "mothers" and "fathers" (or even "receivers" and "payers") where "custodial parent" and "non-custodial parent" would be technically more accurate.

²

We expect to have such data in our third Wave of data collection, commencing in 1989. We can compare the Court data to the interview reports for that subset of families -- estimated to comprise about 28% of our sample -- in which both husband and wife agree that 100% of the dollars paid have been paid through the Clerk.

³

The authors have been told by local authorities that had our findings been available during the legislative debate, our home state, Arizona, would not have passed the automatic wage garnishment statute, becoming the second state to do so.

⁴

The parental differences reported here have recurred in virtually every topic explored in the interview. For example, other financial issues, the extent of visitation (Braver, Wolchik, Sandler, Fogas, and Zvetina, 1987), how involved the non-custodial parent was with the child prior to the divorce, even who performed routine infant care when the child was a baby, are all subject to massive reporter differences in the predictable direction: each

parent conveying that their own behavior was very positive, while their ex's was very negative.

Table 1
Indexes of Child Support Paid, by Reporter
(Payers vs. Receivers)

	Payers	Receivers
% Paying \$0	4	13
% Paying Part of What's Owed	32	40
% Paying All of What's Owed	64	46
(Or More)		
Average Amount Owed	\$3829	\$3796
(Last 12 months)		
Average Amount Paid	\$3470	\$2727
(Last 12 months)		
Ratio of Last Two Averages	.91	.72